

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHEPARD JOHNSON,

Plaintiff, No. CIV S-10-1968 GEB GGH PS

VS.

CHESTER MITCHELL, et al.,

ORDER

Defendants.

Presently pending before the court are defendant Ford Hermansen's motion to
lack of personal jurisdiction (dkt. no. 151) and defendants Michael Mode and Lynn
motion to dismiss for lack of personal jurisdiction (dkt. no. 179), both set for
April 19, 2012 before the undersigned. Plaintiff filed opposition briefs to both
nos. 185, 186), and defendants Michael Mode and Lynn Yarrington filed a reply
188). After reviewing the papers in support of and in opposition to the pending
court finds that oral argument would not be of material assistance in resolving the
ons. Therefore, the hearing on the pending motions will be vacated and the motions
settled on the record with a written order and/or findings and recommendations to
.D. Cal. L.R. 230(g).

1 Additionally, on March 29, 2012, pro se defendant Kim Parsons filed a waiver of
2 service and motion to dismiss for lack of personal jurisdiction and for failure to state a claim for
3 relief pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6). (Dkt. No. 181.) Defendant Parsons
4 failed to properly notice her motion for hearing pursuant to the requirements of Eastern District
5 of California Local Rule 230. Nevertheless, in the interests of efficiency and because the motion
6 constitutes defendant Parsons's first appearance in this action, the court will set a briefing
7 schedule on the motion.¹ In particular, plaintiff will be required to file an opposition to
8 defendant Parsons's motion within 21 days of the date of service of this order. Defendant
9 Parsons shall file any reply brief within 14 days of service with plaintiff's opposition, after which
10 the motion will be submitted on the record without oral argument. In the event that the court
11 ultimately deems oral argument necessary, it will schedule a hearing on the motion with notice to
12 the parties.

13 For the reasons outlined above, IT IS HEREBY ORDERED THAT:

14 1. The April 19, 2012 hearing on defendant Ford Hermansen's motion to dismiss
15 (dkt. no. 151) and defendants Michael Mode and Lynn Yarrington's motion to dismiss (dkt. no.
16 179) is VACATED. These pending motions are submitted on the record without oral argument,
17 with a written order and/or findings and recommendations to follow.

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22 ¹ However, defendant Parsons is hereby put on notice that she will be expected to comply
23 with the Federal Rules of Civil Procedure and the court's Local Rules when noticing future
24 motions. Non-discovery motions must be noticed pursuant to E.D. Cal. L.R. 230 and discovery
25 motions must be noticed pursuant to E.D. Cal. L.R. 251. Any future improperly noticed motions
26 will be stricken. A party living some distance from the court, while still noticing the motion for a
hearing date, may certainly request that the motion be determined without oral argument.
However, until that request is granted by the court, the party must be prepared to appear at any
noticed hearing.

2. With respect to defendant Kim Parsons's motion to dismiss (dkt. no. 181), plaintiff shall file an opposition to that motion within 21 days of the date of service of this order. Defendant Parsons shall file any reply brief within 14 days of service with plaintiff's opposition to the motion, after which the motion shall be submitted on the record without oral argument.

DATED: April 13, 2012

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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